

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6530 of 2014

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1. Ramdeo Rai Son Of Late Mahesh Rai Resident Of Jogsar Bura Math,
P.S. Kotwali, District - Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Health Bihar, Patna
2. The Regional Deputy Director, Health Services, Bhagalpur
3. The Superintendent J.K.M. Medical College And Hospital Bhagalpur
4. The Accountant General, Bihar, Patna
5. The Treasury Officer, Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Subodh Prasad

For the Respondent/s : Mr. Gp24- Anshuman Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 30-01-2016

Heard.

The writ application seeks a direction upon the respondents to pay the pensionary benefits including the gratuity, leave encashment and salary etc. with interest.

The petitioner was appointed as a Dresser in J.L.M. Medical College & Hospital, Bhagalpur in the year 1970 and retired on 31.01.2008. It is his claim that during his service tenure no promotion was granted to him. He was, therefore, entitled to grant of ACP or time bound promotion as per the scheme/circular of the Government applicable.

A counter affidavit has been filed on behalf of the

respondent no.3. No rejoinder thereto has been filed by the petitioner.

The counsel for the State draws attention of the Court to paragraph no. 5 of the said counter affidavit wherefrom it appears that full pension has been sanctioned/authorized in favour of the petitioner. Similarly, according to respondents, full GPF amount as well as the Group Insurance amount have also been sanctioned and paid to the petitioner. The admissible amount of Gratuity has also been paid through bank draft dated 12.7.2014. Similarly, the payment under the head(s) unutilized Earned Leave for 280 days was also sanctioned in favour of the petitioner. Paragraph no. 5(i) & (j) of the counter affidavit reads as under:-

“(i) The benefit of 6th pay revision commission and dues salary from 13.11.2006 to 03.06.2007 along with other arrears from 14.5.1995 to 14.11.2000 of Rs. 24,742 and from 15.11.2000 to 31.01.2008 of Rs. 66489/- which also includes arrear of 2nd Time Bound Promotion from 14.05.1995 to 31.01.2008 has been sanctioned vide letter no. 4618 dated 27.08.2014 and letter no. 4621 dated 29.08.2014 and both amount has been credited in to his account.

(j) The 1st & 2nd ACP has already been granted in favour of the petitioner since 09.08.1999 and payment for the period from 09.08.199 to 14.11.2000 of Rs. 5841/- and for the period from 15.11.2000 to 31.01.2008 of Rs. 16381/- has been already given vide Bill No. 335/09-10 and 336/09-10 respectively.”

On the basis of the aforesaid facts stated in the counter affidavit, it has been submitted, and rightly so, by the State Counsel that all admissible dues under the diverse heads have been sanctioned and authorized in favour of the petitioner.

Seen thus, in my view, the application has become infructuous. The same stands disposed of accordingly.

Needless to observe, if there is any other outstanding dues of the petitioner, it shall be open to him to file a representation before the concerned /appropriate authority within 03 weeks which shall be dealt with by the said respondent(s)/authority in accordance with law.

(Kishore Kumar Mandal, J)

Shyam/-

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